

DRAFT DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
for the
Western Nevada County Community Defense Project - Deer Creek

USDA Forest Service, Tahoe National Forest
Yuba River Ranger District
Nevada County, California

DECISION AND RATIONALE

I have read the Western Nevada County Community Defense Project – Deer Creek Environmental Assessment (EA), reviewed the analysis in the project file, including documents incorporated by reference (Appendix E of the EA), and fully understand the environmental effects disclosed therein. After careful consideration of the analysis, applicable laws, the Forest Plan, and public comments, I have selected Alternative 1. My decision is based on a review of the record that shows a thorough analysis using the best available science was completed for this project.

Alternative 1 is fully described in the EA, Chapter I on pages 8-25 and Chapter II, pages 27-29. Under Alternative 1, the Forest Service will underburn approximately 2,366 acres; masticate and underburn approximately 157 acres; hand thin, machine pile, pile burn and/or underburn 152 acres; hand thin, hand pile, pile burn and/or underburn 970 acres; mechanical thin and underburn 648 acres; develop 7 helispots on 7 acres; and create 4 water developments on 4 acres. Additional actions include protecting large trees; applying borate on freshly cut stumps to minimize root infections; maintaining approximately 3.23 miles of existing roads; and constructing approximately 5.03 miles of temporary roads (whether utilizing existing road prisms, existing unclassified, non-system road prisms or newly constructed road prisms) to implement project activities. New infestations of non-native invasive plants will be managed by pulling, scattering and/or piling plant material for burning to prevent establishment and spread. Existing infestations will be controlled or eliminated by hand clipping, digging, or pulling along roadsides within specific units and on landings. This alternative also includes identification and removal of hazardous trees along National Forest System roads based on Hazard Tree Guidelines for Forest Service Facilities and Roads in the Pacific Southwest Region (Report # RO-12-01, April 2012), available upon request, at Yuba River Ranger District).

Standard management requirements included in Alternative 1 to reduce and avoid adverse impacts are described in the EA, Chapter 2, Management Requirements Common to All Alternatives (pages 35-46), and in the Best Management Practices (BMPs), described in the EA, Chapter 2, pages 47-62.

My reasons for selecting Alternative 1 are:

- 1) Alternative 1 would effectively achieve the project Purpose and Need (described on pages 3-8 in the EA), especially when compared to the Alternative 2, the No Action alternative and Alternative 3, the No Burning alternative.

- a. Alternative 1 ensures hazardous fuels are reduced; provides buffers between developed areas and wildland; increases the efficiency of firefighting efforts; and reduces risks to firefighters, the public, facilities and structures, and natural resources.
 - b. Alternative 1 is more effective at treating strategic areas within the Wildland Urban Interface (WUI) within the project area than Alternatives 2 and 3. Specifically, Alternative 1 would help to promote a clumped distribution of trees containing a variety of size and age classes, thus improving habitat quality and landscape connectivity, as well as making them less vulnerable to catastrophic change from fire, insects, and disease. It also more effectively treats areas to modify and reduce fire behavior in and adjacent to WUI throughout the entire project area.
 - c. Alternative 1 contributes to long-term goals of reducing the amount of hazardous fuels in the project area through reduced tree mortality and improving overall health and vigor in overcrowded stands by lessening competition-induced mortality over a longer period of time than Alternatives 2 and 3.
 - d. Alternative 1 more effectively improves forest health of conifer plantations than Alternatives 2 and 3.
 - e. Compared to Alternatives 2 and 3, Alternative 1 creates better quality forage for wildlife through removal of ladder fuels and by encouraging the growth of herbaceous vegetation.
- 2) Alternative 1 provides for protection of forest resources, including water quality, cultural and historical resources, and riparian areas. It will protect and maintain habitat for Threatened, Endangered, and Sensitive plant and animal species and Management Indicator Species.
- 3) Alternative 1 implements: (1) applicable standards and guidelines contained in the Tahoe National Forest Land and Resource Management Plan (1990) as amended by the Sierra Nevada Forest Plan Amendment Record of Decision (SNFPA ROD 2004) and (2) the Management Requirements and Best Management Practices (BMPs) for protecting water quality as presented in the EA (Chapter 2, pages 35-46, Management Requirements Common to All Alternatives; Chapter 2, pages 47-62, Best Management Practices; and Appendix D, Riparian Conservation Guidelines). Implementation of these measures will ensure that potentially adverse environmental effects are mitigated.
- 4) Alternative 1 addresses the requirement in NEPA to consider “the degree to which the action may adversely affect” a given resource. I have considered the degree to which this project’s actions add cumulative effects to the various resources. I conclude that the Management Requirements that are included in the Proposed Action reduce effects from this project to a level of non-significance for all affected resources, while still accomplishing the purpose and need for the project.

ALTERNATIVES CONSIDERED

Three alternatives were considered, **Alternative 1 - the Proposed Action**, **Alternative 2 - No Action**, and **Alternative 3 – No Burning**. These alternatives are described in detail in Chapter 2 of the EA, and analyses of their environmental effects are presented in Chapter 3 of the EA.

PUBLIC INVOLVEMENT

On January 31, 2014, over 150 scoping letters for the Western Nevada County Community Defense - Deer Creek Project were mailed to interested and potentially affected parties, including landowners with property near and adjacent to the Project area. A public notice was also published in Grass Valley's *The Union* newspaper at the same time. As a result of this public scoping, a total of 54 individuals or entities submitted timely specific written letters of comment, in addition to 13 emails received. The comments were reviewed to identify any issues and determine whether additional alternatives were needed in the Environmental Assessment. The Western Nevada County Community Defense – Deer Creek Project was included in the Tahoe National Forest Schedule of Proposed Actions dated April 1, 2014 and all subsequent issues.

Two public meetings were held, the first one at the Tahoe National Forest Supervisor's Office in Nevada City on February 11, 2014. The second meeting occurred on May 3, 2014 and consisted of a field meeting to visit the Project area and discuss proposed treatments. The Forest Supervisor presented the project proposal to the Nevada County Board of Supervisors on March 11, 2014. In addition, Forest Service staff presented the project proposal at a Nevada County Fire Safe Council meeting as well as two Fire Wise Community meetings during the spring of 2014.

A preliminary EA was mailed to those individuals and organizations who responded during scoping, contacted the District and requested a copy, or otherwise indicated an interest in the Western Nevada County Community Defense - Deer Creek Project. Additionally, a legal notice announcing the 30-day opportunity to comment on the preliminary EA was published in the newspaper of record, Grass Valley's *The Union* on March 15, 2016. No commenters submitted timely written comments during this 30-day comment period. Since no comments were made, there were no changes to the preliminary EA provided for the 30-day comment period; hence, this preliminary EA document constitutes the EA for the Western Nevada County Community Defense - Deer Creek Project.

FINDING OF NO SIGNIFICANT IMPACT

I have determined that this action will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination is based on the effects analysis documented in the Project EA, and considers the following factors listed in 40 CFR 1508.27:

(a) Context -- This project would not pose significant effects either in a local context or in the broader context of the Tahoe National Forest (EA discussion on pp. 69-70).

(b) Intensity:

(1) Beneficial and adverse effects – Benefits of this project were not used to offset adverse impacts, and adverse impacts of this project are not significant even when separated from its benefits (EA pp. 70-190).

(2) Public health and safety -- Implementation of this project will not cause any significant effects relative to public health and safety (EA pg. 190-191).

(3) Unique characteristics of the geographic area -- This project would not have any significant effects on unique characteristics of the geographic area (EA pg. 191).

(4) Controversy – Public involvement has not identified any legitimate scientific controversy regarding the effects of this project (EA pp. 191-192).

(5) Uncertainty, unique or unknown risks -- Effects of implementing the selected Alternative are not highly uncertain, nor do they represent unique or unknown risks (EA pg. 192).

(6) Precedence – This action does not establish a precedent for future actions or represent a decision about future management considerations (EA pg. 192).

(7) Cumulative impacts --This action would not cause any significant, cumulative environmental impacts (EA pp. 192-209).

(8) Cultural and historical resources -- This action would not pose any significant adverse effects on cultural or historical resources (EA pg. 209-210).

(9) Endangered or threatened species or its habitat – A Biological Assessment has determined that the project may affect, but is not likely to adversely affect the California red-legged frog. Consultation with the U.S. Fish and Wildlife Service is in progress and any additional project conditions to reduce potential effects to this species and its Critical Habitat, will be implemented as required. There are no additional federally endangered, threatened or proposed species or their critical habitat within the project area that may be affected by the proposed actions. The selected alternative will not cause a trend toward Federal listing or a loss of viability for any Forest Service Pacific Southwest Region Sensitive Species (EA pp. 210-211).

(10) Federal, State, or local law or requirements -- The selected alternative conforms to all applicable Federal, State, and local laws and requirements (EA pp. 211-217).

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

I find that all actions included in Alternative 1 are consistent with direction in the *Tahoe National Forest Land and Resource Management Plan* (1990) as amended by the *Sierra Nevada Forest Plan Amendment Record of Decision* (2004). All actions meet *National Forest Management Act* (NFMA) requirements (EA pp 95-97).

The project is in full compliance with the Endangered Species Act, the Clean Air Act, the Clean Water Act and the National Historic Preservation Act.

ADMINISTRATIVE REVIEW OR OBJECTION OPPORTUNITIES

This proposed decision is subject to objection pursuant to 36 CFR 218, Subparts A and B. Objections will only be accepted from those who submitted project-specific written comments during scoping or other designated opportunities for public comment. Issues raised in objections

must be based on previously submitted comments unless based on new information arising after the designated comment periods.

Objections must be submitted within 45 days following the publication of this legal notice in the newspaper of record, Grass Valley's *The Union*. The date of this legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector's responsibility to ensure evidence of timely receipt (36 CFR 218.9).

Objections must be submitted to the reviewing officer: Regional Forester, USDA Forest Service; Attn: WNCCDP-Deer Creek Objection; 1323 Club Drive, Vallejo, CA 94592. Ph. (707) 562-8737. Objections may be submitted via mail, FAX (707-562-9229), or delivered during business hours (M-F 8:00 am to 4:00 pm). Electronic objections, in common formats (.doc, .pdf, .rtf, .txt), may be submitted to: objections-pacificsouthwest-regional-office@fs.fed.us with Subject: Western Nevada County Community Defense Project – Deer Creek.

Objections must include (36 CFR 218.8(d)): 1) name, address and telephone; 2) signature or other verification of authorship; 3) identify a single lead objector when applicable; 4) project name, Responsible Official name and title, and name of affected National Forest(s) and/or Ranger District(s); 5) reasons for, and suggested remedies to resolve, your objections; and, 6) description of the connection between your objections and your prior comments. Incorporate documents by reference only as provided for at 36 CFR 218.8(b).

Implementation Date

Implementation of the project may occur immediately after resolution of any timely objections that are not set aside from review, or after the end of the fifth business day following the close of the objection period if no objections are received, as provided for in 36 CFR 218.12.

In accordance with 36 CFR 220.7(d), interested and affected parties will be notified of the availability of the decision as soon as practicable after the decision is signed. Implementation of the project is expected to begin in the fall of 2016.

CONTACT PERSON

For further information concerning this decision, contact: Eric Burke, Project Leader, or Dennis Stevens, Environmental Coordinator, Yuba River Ranger District, 15924 Highway 49, Camptonville, CA 95922, phone (530) 478-6253.

Eli Ilano – Forest Supervisor
Responsible Official, Tahoe National Forest

Date

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer and lender.